



**REGULAR CITY COUNCIL MEETING  
FRISCO CITY HALL  
GEORGE A. PUREFOY MUNICIPAL CENTER  
COUNCIL CHAMBERS  
6101 FRISCO SQUARE BLVD.  
FRISCO, TEXAS 75034**

**5:30 PM**

**TUESDAY, DECEMBER 02, 2008**

**MINUTES**

Mayor	Maher Maso	Present
Mayor Pro Tem	Tony Felker	Present
Deputy Mayor Pro Tem	Joy West	Present
Council Member	Scott Johnson	Present
Council Member	Jeff Cheney	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

**CALL TO ORDER**

Mayor Maso called the meeting to order at 5:41 p.m. and announced a quorum was present.

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Code Enforcement Administrator, Greg Carr, Strategic Services Manager/Engineering Services, John Eaglen, Director of Library Services, Ron Heezen; Director of Parks & Recreation Department, Rick Wieland; Director of Planning & Development Services, John Lettelleir; Development Coordinator, Scott Ingalls; Director of Public Works, Gary Hartwell; City Attorney, Richard Abernathy and Sr. Administrative Assistant Estela Barrera.

1. ROLL CALL

## **CLOSED SESSION**

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

Joy West moved to Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit; David Prince seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Mayor Maso announced Council was in Closed Session at 5:42 p.m.

- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
    - i. Legal issues regarding proposed amendments to the Code of Ethics.
  - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
    - i. South of US 380, North of Lebanon Road, East of FM 423, and West of Hillcrest Road.
  - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Scott Johnson moved to reconvene into Regular Session. Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Mayor Maso announced there was no action taken as a result of Closed Session.

## **INVOCATION**

Pastor Brad Tuttle from the Harvest Church led the invocation.

### **PLEDGE OF ALLEGIANCE**

Haley Walker, fourth grader at Baker Elementary in Prosper, TX led the audience in the Pledge of Allegiance and the Texas Pledge of Allegiance.

Haley's parents are Holly Scott who works for our Parks and Recreation Department and Nick Scott who works for our Public Works Department.

### **PROCLAMATIONS**

4. Texas Fallen Soldiers Project

Mayor Maso proclaimed December 02, 2008 as Phil Taylor Day for his work for the Texas Fallen Soldier Project.

Phil Taylor and family were present to accept proclamation.

5. Hurricane Recovery Efforts

Mayor Maso presented proclamation to Frisco First Responders for Hurricanes Dolly, Gustav and Ike:

Building Inspections: Tom Wheeler, Jeff Harold, Jeff Blake, Phillip Climer, James Shelton, Sharon Elliott

Fire Dept: Lt. Richard Flores, Lt. Jeff Morrison, Joshua Clay, Nick Boroski, Lt. Chad Hill, Lt. Brian Jetton, Shane Armstrong, Kyle Clay, Cpt. Jake Owen, Don Scott, Anthony Trementozzi, Adam Hadowsky, Deputy Chief Paul Siebert, Lt. Gordon Holbrook, Brian McClusky, Brian Ruiz, Eric Jackson and Jean May.

### **REPORTS**

6. Presentation of "2008 Achievement of Excellence in Libraries Award"

Presentation will be postponed to a later meeting.

7. Parks & Recreation Monthly Report

Rick Wieland

8. Engineering Monthly Report

John Eaglen

9. Library Monthly Report

Ron Heezen

**CITIZEN INPUT (to begin approximately at 7:30 p.m.)**

There was no one present for Citizen Input.

**CONSENT AGENDA**

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Joy West moved to approve CONSENT AGENDA with the changes to Item 10.

Tony Felker seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,  
David Prince.

Against: (None)

10. Consider and act upon approval of the Minutes from the November 18, 2008 Regular City Council Meeting. (CSO)

11. Consider and act upon approval of 2009 City of Frisco legislative agenda. (CMO)

12. Consider and act upon award of bid #0910-004, annual contract for water, sewer & meter parts to Ferguson Water Works, Municipal Water Works Supply, Mainline Supply and ACT Pipe and Supply. (PW)

13. Consider and act upon approval of a purchase order to Musco Sports Lighting LLC for the purchase and installation of sports lighting for the Shawnee Trail Sports Complex and approval of a resolution authorizing the City Manager to execute an agreement for this service. (P&R)

08-12-259R

14. Consider and act upon award of bid to McMahon Contracting, LP and act upon a Resolution authorizing the City Manager to execute a Standard Form of Agreement for construction services for the bid of Dogwood Street (CIP #03-0111) and Meadow Lane (CIP #04-0003) Paving, Drainage, Water and Wastewater Improvements, Bid No. 0910 003. (ENG.)

08-12-260R

15. Consider and act upon authorization for the City Manager to execute Change Order Number 2 to the Standard Form of Agreement by and between the City of Frisco and Dowager Utility Construction, Ltd. for additional services relating to the construction of the Preston Manor Sanitary Sewer Replacement. (ENG.)
16. Consider and Act Upon Approval of a Purchase Order to Motorola for Hardware and Software Support and Approval of a Resolution Authorizing the City Manager to Execute an Agreement for this Service. (POLICE)

08-12-261R

17. Consider and act upon approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Newman, Jackson, Bieberstein, Inc. for Landscape Architectural Design Services Agreement for Preston North Master Plan. (P&R)

08-12-262R

18. Consider and act on the adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement with Freese and Nichols, Inc. for the purpose of preparing a new Comprehensive Zoning Ordinance. (P&D)

08-12-263R

19. Consider and act upon approval of a resolution authorizing the City Manager to execute interlocal purchasing agreements created for the sole purpose of cooperative purchasing. (FIN)

08-12-264R

20. Consider and Act Upon adoption of a Resolution approving amendments to prior Resolutions effecting Section III of the Capital Funding Agreements between the Cities of Frisco, Plano, and Allen as the three owner cities of the Arts of Collin County, Inc. to extend the date for the cities to receive credit for advancing capital funds for the proposed Arts of Collin County project until October 1, 2010 (CMO/HJH).

08-12-265R

21. Consider and Act on the acceptance of a grant award from the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for the funding of a Domestic Violence Detective under the Violence Against Women Grant Program and authorizing the acceptance of the grant by the City Manager or his designee. (CMO)

## **LEGISLATIVE AGENDA**

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

David Prince moved to pull Item 22 from the LEGISLATIVE AGENDA. Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Gary Hartwell was present to answer questions from Council.

22. Consider and act upon approval of an Ordinance establishing minimum standards for installation of irrigation systems to comply with HB 1656. (PW)

David Prince moved to approve Ordinance No. 08-12-103 Bart Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

## **REGULAR AGENDA**

23. Review applications and select members for a committee to interact with staff and the consultant on updating the City's Comprehensive Zoning Ordinance. (P&D)

John Lettelleir was present to speak to Council regarding a committee to interact with staff and consultant on updating the City's Comprehensive Zoning Ordinance.

For members:

Council member Crowder nominated Steve Cone. Steve Cone was appointed 6:0.

Council member Prince nominated Dustin Gibson. Dustin Gibson was appointed 6:0.

Deputy Mayor Pro Tem West nominated Kevin Jerich. Kevin Jerich was appointed 6:0.

Deputy Mayor Pro Tem West nominated William Woodard. William Woodard was appointed 6:0.

Mayor Pro Tem Felker nominated Donald Simmons. Donald Simmons was appointed 6:0.

Council member Cheney nominated Christopher Fuller. Christopher Fuller was appointed 6:0.

Council member Johnson nominated Michael Hottinger. Michael Hottinger was appointed 6:0.

For First Alternate:

Mayor Pro Tem Felker nominated John Zapata. John Zapata was appointed 6:0.

For Second Alternate:

Mayor Pro Tem Felker nominated Jay Young. Jay Young was appointed 6:0.

Joy West moved to approve staff recommendations for the first fourteen members. (P&D) Jeff Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

24. Consider and act upon the Texas City Attorney's Association (TCCA) study of secondary effects regarding Sexually Oriented Businesses and give staff direction on preparing an ordinance for amending the City's ordinances regulating Sexually Oriented Businesses. (P&D)

Greg Carr was present to address the Council regarding the Texas City Attorney's study of secondary effect regarding Sexually Oriented Businesses.

Deputy Mayor Pro Tem West left the meeting at 7:40 p.m.

Bart Crowder moved to instruct staff to prepare ordinance for amending the City's ordinance regulating Sexually Oriented Businesses. David Prince seconded the motion.

Passed

Vote: 5 - 0

For: Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

25. Consider and act upon an Amendment to the Ordinance establishing fees and user charges for Water and Sewer Service. (CMO)

Nell Lange was present to address the Council regarding an Amendment to the Ordinance establishing fees and user charges for Water and Sewer Service.

Bart Crowder moved to approve Ordinance No. 08-12-104 establishing fees and user charges for Water and Sewer Service. David Prince seconded the motion.

Passed

Vote: 5 - 0

For: Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

26. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Planning and Development Services. (Planning and Development Services)

No Appeals.

Following Item 26 Tony Felker moved to recess into Closed Session in compliance with section 551.071. Jeff Cheney seconded the motion.

Passed

Vote: 5 - 0

For: Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Mayor Maso announced Council was back in executive session at 7:47 p.m.

Scott Johnson moved to reconvene into Regular Session. Bart Crowder seconded the motion.

Passed

Vote: 5 - 0

For: Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David



Prince.  
Against: (None)

Mayor Maso announced Council was back in regular session at 9:10 p.m. There was no action taken as a result of executive session.

27. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

No Items requested.

28. Discussion on Governance Monitoring of present City Council Meeting.

Council member Prince gave Council an A+.

### **ADJOURN**

Jeff Cheney made motion to Adjourn. Bart Crowder seconded the motion.

Passed

Vote: 5 - 0

For: Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

There being no additional business, the meeting was adjourned at 9:16 p.m.

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Maher Maso, Mayor

ATTEST:

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Ron K. Patterson, Interim City Secretary